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EXAMINER
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ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/516,870	JAKOBSEN ET AL.
Office Action Summary	Examiner	Art Unit	
	DOUGLAS C. GODBOLD	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>16 March 2009</u>.

2a)☒ This action is FINAL.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-6,9,10,12-17 and 19-32</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3-6,9,10,12-17 and 19-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some *   c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to correspondence filed March 16, 2009 in

reference to application 10/516,870. Claims 1, 3-6, 9, 10, 12-17, and 19-32 are pending

and have been examined.

Response to Amendment

2.   The amendment filed March 16, 2009 has been accepted and considered in this

office action.   Claims 1, 9, 10, and 17 have been amended, and claims 2, 11, and 18

cancelled.

Response to Arguments

3.   Applicant's arguments with respect to claims 1, 9, and 17 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   Claims 1, 3-6, and 9, 10, 12-17, and 19-32 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Fortier et al. (US Patent 6,583,179) in view of Badarneh (US

PAP 2003/0001816) and further in view of Smith et al (US PAP 2001/0047263).

5.   Consider claim 1, Smith teaches a method comprising:

        receiving an initial user input causing a communication device to be prepared for

receiving an acoustic input of the user to perform said-speech recognition thereon

(column 8 line 15-53, user selects database for searching, for example selecting a language);

receiving said acoustic input of the user and performing speech recognition thereon (column 2, line 12, step a), capturing word from speaker, and step b) receiving from speech recognition at least one representation of word);

performing a back-up operation alternatively to the speech recognition to enable said user to provide manual input in case of failure of said speech recognition of said acoustic input (column 7 lines 23-62 describes how if speech recognition returns no correct results, a user may for instance manually enter what they were trying to say.)

Fortier does not specifically teach that the communication device is mobile or that the backup manual input is performed as follows:

upon receiving a first manual user input by a multiple switching component, which is capable to exhibit a first input value and a second input value

displaying a list of a first set of data records in accordance with said first input value of said first manual user input or displaying a list of a second set of data records in accordance said second input value of said first manual user input, wherein data records of said first set of data records each comprise at least one instruction dedicated to a dialing application for dialing a telephone number comprised in said instruction, wherein data records of said second set of data records each comprise at least one instruction dedicated to a control function of at least one further application executed on said mobile communication device in accordance with said instruction and

upon receiving a second manual user input identifying one data record of said displayed list,

transmitting an instruction corresponding to said identified data record to at least one application of a plurality of applications executable on said mobile communication device.

In the same field of telephone menu selection and directory systems, Badarneh teaches using a mobile communication device (abstract),

upon receiving a first manual user input by a multiple switching component, which is capable to exhibit a first input value and a second input value (for instance actuator 28 found in figure 19 described in 0097, can be used to select "Book" or "menu" in figure 19L, described in 0104.)

displaying a list of a first set of data records in accordance with said first input value of said first manual user input (phonebook display of figure 19n, paragraph 0104 is presumably displayed after hitting "book" with actuator) or displaying a list of a second set of data records in accordance said second input value of said first manual user input (menu displayed figure 19m, described 0104) wherein data records of said first set of data records each comprise at least one instruction dedicated to a dialing application for dialing a telephone number comprised in said instruction (phonebook display of figure 19n, paragraph 0104 is presumably displayed after hitting "book" with actuator), wherein data records of said second set of data records each comprise at least one instruction dedicated to a control function of at least one further application executed on

said mobile communication device in accordance with said instruction (menu displayed

figure 19m, described 0104) ;and

upon receiving a second manual user input identifying one data record of said

displayed list (paragraph 0104, phonebook can be accessed from menu by control

element.),

transmitting an instruction corresponding to said identified data record to at least

one application of a plurality of applications executable on said mobile communication

device (paragraph 0104, phonebook can be accessed from menu by control element,

Instruction here would be "access phonebook").

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to use the multi-position actuator taught by Badarneh in place of the

manual spelling input method of Fortier in order to provide a simpler, more logical and

efficient means for data entry (Badarneh paragraph 0002).

This Combination of Fortier and Badarneh now suggests wherein said first set of

data records represents all telephone directory entries associated with voice tags and

selectable by speech recognition (When combining the manual directory search of

Badarneh with the directory of Fortier, it would be obvious to include all entries

accessible with speech recognition and containing voice tags as well in order to allow

the selection method of Badarneh to behave as a backup to the speech recognition).

This combination of Fortier and Badarneh does not specifically teach or suggest

wherein said second set of data records represents all device functions or device

application functions, or both, associated with voice tags and controllable by speech recognition.

In the same field of telephone interfaces, Smith teaches allowing the user to navigate commands with speech recognition (figure 6 user can say call number, or directory, etc which are voice commands).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the voice recognition of menu items as taught by Smith in the system of Fortier and Badarneh in order to provide greater functionality via speech recognition.

This combination now suggests wherein said second set of data records represents all device functions or device application functions, or both, associated with voice tags and controllable by speech recognition (When combining the manual directory search of Badarneh with the menu choices via speech recognition of Smith, it would be obvious to include all entries accessible with speech recognition and containing voice tags as well in order to allow the selection method of Badarneh to behave as a backup to the speech recognition).

6.   Consider claim 3, Badarneh teaches at least one designation is assigned to each of the data records, said designation being displayable ("Book" or "menu" in figure 19L, described in 0104 represents the phonebook or the menu.).

7.   Consider claim 4, Fortier teaches displaying an indication to said user that an

alternative manual user input is operable when receiving said initial user input (pre-

recorded voice announcement to user informing them of options in case of failed

recognition, column 11 line 15.).

8.   Consider claim 5, Badarneh teaches the list of said first set of data records is

arranged in a pre-determined sequence (figure 19n, it is inherent that the contacts must

be ordered in some fashion for it to be possible to display them) and wherein said

displaying of said list of said first set of data records comprises:

        displaying at least one data record of said list of said first set of data records

(figure 19n, shows different phonebook entries);

        receiving a browsing input capable to exhibit a first browsing value and a second

browsing value (actuator 28, described 0097.);

        in case said browsing input corresponds to said first browsing value, displaying at

least one data record in said pre-determined sequence subsequent to said at least one

displayed data record (scrolling up and down described using control actuator 0089);

and

        in case said browsing input corresponds to said second browsing value,

displaying at least one data record in said pre-determined sequence preceding said at

least one displayed data record (scrolling up and down described using control actuator

0089).

9.   Consider claim 6, Badarneh teaches the list of said second set of data records is

arranged in a pre-determined sequence (figure 19m, it is inherent that the options must

be ordered in some fashion for it to be possible to display them.) and wherein said

displaying of said list of said first set of data records comprises:

        displaying at least one data record of said list of said first set of data records

(figure 19m shows different options);

        receiving a browsing input capable to exhibit a first browsing value and a second

browsing value (actuator 28, described 0097.);

        in case said browsing input corresponds to said first browsing value, displaying at

least one data record in said pre-determined sequence subsequent to said at least one

displayed data record (scrolling up and down described using control actuator 0089);

and

in case said browsing input corresponds to said second browsing value, displaying at

least one data record in said pre-determined sequence preceding said at least one

displayed data record (scrolling up and down described using control actuator 0089).

10.   Claim 9 is directed towards an application store having computer-executable

instructions stored thereon (Taught figure 3, Fortier shows a computerized system that

would inherently require a computer readable medium having computer-executable

instructions stored thereon) for execution of a method similar to the method of claim 1

and is therefore rejected for similar reasons.

11.	Consider claim 10, Fortier teaches a communication device comprising:

pre-stored voice tags that are employable for speech recognition to enable selection of said-data records by speech input and recognition based on said voice tags (recognizer returns representations; column 2 line 16. These are analogous to tags as they are matched to the user utterance and returned. Column 8 lines 54-66, recognition uses a table of "predefined values.");

a speech recognition component for recognizing acoustic input via a microphone resulting in a selection of one of said data records in accordance with said acoustic input (column 2, line 12, step a), capturing word from speaker, and step b) receiving from speech recognition at least one representation of word);

a first actuator for activating said speech recognition component (column 8 line 15-53, user selects database for searching, for example selecting a language using softkeys.);

Fortier does not specifically teach:

a second actuator comprising a multiple switching component capable of generating a first input signal and a second input signal (), said second actuator operable with said speech recognition component for displaying a list of said first set of data records or said second set of said data records on a display of said mobile communication device in accordance with said first input signal and said second input signal wherein data records of said first set of data records each comprise at least one instruction dedicated to a dialing application for dialing a telephone number comprised in said instruction, wherein data records of said second set of data records each

comprise at least one instruction dedicated to a control function of at least one further

application executed on said mobile communication device in accordance with said

instruction; and

a third actuator for selecting one data record of said list displayed on said display

and for transmitting an instruction corresponding to said selected data record to at least

one application for execution in accordance with said instruction ().

In the same field of telephone menu selection and directory systems, Badarneh

teaches

a second actuator comprising a multiple switching component capable of

generating a first input signal and a second input signal (actuator 28, described 0097

and 0089), said second actuator operable with said speech recognition component for

displaying a list of said first set of data records or said second set of said data records

on a display of said mobile communication device in accordance with said first input

signal and said second input signal (paragraph 0089 and 0097, actuator used to browse

menus) wherein data records of said first set of data records each comprise at least one

instruction dedicated to a dialing application for dialing a telephone number comprised

in said instruction (phonebook display of figure 19n, paragraph 0104 is presumably

displayed after hitting "book" with actuator), wherein data records of said second set of

data records each comprise at least one instruction dedicated to a control function of at

least one further application executed on said mobile communication device in

accordance with said instruction (menu displayed figure 19m, described 0104); and

a third actuator for selecting one data record of said list displayed on said display
and for transmitting an instruction corresponding to said selected data record to at least
one application for execution in accordance with said instruction (hitting down as shown
in figure 19m selects the item highlighted).

Therefore it would have been obvious to one of ordinary skill in the art at the time
of the invention to use the multi-position actuator taught by Badarneh in place of the
manual spelling input method of Fortier in order to provide a simpler, more logical and
efficient means for data entry (Badarneh paragraph 0002).

This Combination of Fortier and Badarneh now suggests wherein said first set of
data records represents all telephone directory entries associated with voice tags and
selectable by speech recognition (When combining the manual directory search of
Badarneh with the directory of Fortier, it would be obvious to include all entries
accessible with speech recognition and containing voice tags as well in order to allow
the selection method of Badarneh to behave as a backup to the speech recognition).

This combination of Fortier and Badarneh does not specifically teach or suggest
wherein said second set of data records represents all device functions or device
application functions, or both, associated with voice tags and controllable by speech
recognition.

In the same field of telephone interfaces, Smith teaches allowing the user to
navigate commands with speech recognition (figure 6 user can say call number, or
directory, etc which are voice commands).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the voice recognition of menu items as taught by Smith in the system of Fortier and Badarneh in order to provide greater functionality via speech recognition.

This combination now suggests wherein said second set of data records represents all device functions or device application functions, or both, associated with voice tags and controllable by speech recognition (When combining the manual directory search of Badarneh with the menu choices via speech recognition of Smith, it would be obvious to include all entries accessible with speech recognition and containing voice tags as well in order to allow the selection method of Badarneh to behave as a backup to the speech recognition).

12.   Claim 12 contains similar limitations to claim 3, and is accordingly rejected for similar reasons.

13.   Claim 13 contains similar limitations to claim 4, and is accordingly rejected for similar reasons.

14.   Claim 14 contains similar limitations to claim 5, and is accordingly rejected for similar reasons.

15.   Claim 15 contains similar limitations to claim 6, and is accordingly rejected for similar reasons.

16.   Consider claim 16, Badarneh teaches said second actuator is able to generate at least two different signals upon input of a user (actuator can be moved different ways, 0097, and obviously must generate different signals).

17.   Claim 17 is directed towards a mobile communication device (taught by abstract Fortier and Badarneh abstract) performing similar functions as the method of claim 1 and is therefore rejected for similar reasons.

18.   Claim 18 contains similar limitations to claim 2, and is accordingly rejected for similar reasons.

19.   Claim 19 contains similar limitations to claim 5, and is accordingly rejected for similar reasons.

20.   Claim 20 contains similar limitations to claim 6, and is accordingly rejected for similar reasons.

21.   Consider claim 21, Badarneh teaches the method according to claim 1, wherein either said list of said first set of data records or said list of said second set of data

records is displayed (figure 19n phonebook or figure 19m menu are displayed, but not at same time, see paragraph 0104.).

22.   Consider claim 22, Badarneh teaches method according to claim 1, wherein said displaying of said list of said first set of data records or displaying said list of said second set of data records further comprises:

upon receiving a browsing input, browsing within the data records of the displayed list (paragraph 0089 describes using the actuator for browsing).

23.   Consider claim 23, neither Fortier or Badarneh specifically teach wherein said first set of data records represents all telephone directory entries activateable by speech recognition. However, if all the telephone entries are activateable by speech recognition in Fortier, then it would have been obvious to one of ordinary skill in the art at the time of the invention that when the phonebook is displayed in Badarneh, all of the entries that would have been activateable by speech recognition would appear in the list in order to facilitate access to all entries manually.

24.   Consider claim 24, neither Fortier or Badarneh specifically teach wherein said second set of data records represents all device functions or device application activateable by speech recognition. However, if all the menu entries are activateable by speech recognition in Fortier, then it would have been obvious to one of ordinary skill in the art at the time of the invention that when the menu is displayed in Badarneh, all of

the entries that would have been activateable by speech recognition would appear in

the list in order to facilitate access to all entries manually.

25.   Claim 25 contains similar limitations to claim 21, and is accordingly rejected for

similar reasons.

26.   Claim 26 contains similar limitations to claim 22, and is accordingly rejected for

similar reasons.

27.   Claim 27 contains similar limitations to claim 23, and is accordingly rejected for

similar reasons.

28.   Claim 28 contains similar limitations to claim 24, and is accordingly rejected for

similar reasons.

29.   Claim 29 contains similar limitations to claim 21, and is accordingly rejected for

similar reasons.

30.   Claim 30 contains similar limitations to claim 22, and is accordingly rejected for

similar reasons.

31.   Claim 31 contains similar limitations to claim 23, and is accordingly rejected for

similar reasons.

32.   Claim 32 contains similar limitations to claim 24, and is accordingly rejected for

similar reasons.

Conclusion

33.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DOUGLAS C. GODBOLD whose telephone number is

(571)270-1451. The examiner can normally be reached on Monday-Thursday 7:00am-4:30pm Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCG
/Richemond Dorvil/
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